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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	ATTORNEY DOCKET NO. CONFIRMATION NO.	
10/619,536	07/15/2003	Stephen B. Walulik	. 5490E-000285	5950	
	7590 01/29/200 CKEY & PIERCE, P.I		EXAM	EXAMINER RAMANA, ANURADHA	
P.O. BOX 828	O HILLS, MI 48303		RAMANA, A		
BLOOMFIELE	7 HILLS, WII 46303		ART UNIT	PAPER NUMBER	
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVER	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply			1.0	Application	No	Applicant(s)				
Examiner Anu Ramana 3733 The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be arealised usedne the provisions of 37 CPR 1.136(a). In nevers, lowers, may a nery be timely filed If NO period for reply is specified above, the maximum statutory period vial apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failute to reply within the set or extended period for reply will, by statute to explication to become ABADONED (38 U.S.C. § 133). Any reply received by the Office later than these months after the mailing date of this communication, even if timely filed, may reduce any earner plaint term adjustment. Set 37 CPR 1.794(b). Status 1) □ Responsive to communication(s) filed on 02 November 2006. 2a) □ This action is FINAL. 2b) □ This action is FINAL. 2b) □ This action is replacation is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 12-37 is/are pending in the application. 4a) □ Of the above claim(s) 26-37 is/are withdrawn from consideration. 5 □ Claim(s) 12-36 is/are allowed. 6 □ Claim(s) 12-25 is/are rejected. 7 □ Claim(s) 12-25 is/are rejected. 9 □ The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11 □ The oath or declaration is objected to by the Examiner. Note the article declaration is objected to be the Examiner. Note the drawing(s) filed on 7/15/2003 is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request t	Office Action Summary									
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be useful able under the provisions of 37 CFR 1.18(b). In no even, however, may reply be timely filled after SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply with, by statute, cause the application to become ABANDONEO (35 U.S.C. § 139). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any extended period for reply within the set or extended period for reply within the set or extended period for reply with, by statute, cause the application to become ABANDONEO (35 U.S.C. § 139). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any extended any extended period for reply within the early of the application is for condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 12-37 is/are pending in the application. 4a) Of the above claim(s) 26-37 is/are withdrawn from consideration. 5) □ Claim(s) 12-25 is/are allowed. 6) □ Claim(s) 12-25 is/are rejected. 7) □ Claim(s) 12-25 is/are rejected. 7) □ Claim(s) 12-25 is/are objected to . 8) □ Claim(s) 12-25 is/are objected to . 8) □ Claim(s) 12-25 is/are objected to by the Examiner. 10) □ The drawing(s) filled on 7/15/2003 is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a clai		TENTO DATE OF UNO COMMUNICATION	noution appoi							
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* See the attached detailed Office action for a list of the certified copies not received.										
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Attachment(s)	Attachment(s)				_					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application 6) Other:	2) Notice of Draft 3) Information Dis	sperson's Patent Drawing Review (I sclosure Statement(s) (PTO/SB/08)			Paper No(s)/Mail Do Notice of Informal F	ate				

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DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of the invention of Group I (claims 12-25) is noted. Applicants' arguments with respect to the restriction requirement are not found to be persuasive. Specifically, claims 34-37 (Group III) still belong to class 74. While claims 26-33 (Group II) belong to class 606, they are directed to a different invention as stated in the office action mailed on October 23, 2006. Accordingly, the restriction requirement is still deemed proper and is therefore made FINAL.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference numeral "140" has been used to designate different parts in Figures 5 and 6. The Examiner also suggests that the pivot axes be shown on the drawings for clarity.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Landsberger (US 6,113,599).

Landsberger discloses an external bone fixation device including a central member 140, a first pivot segment 130 for driven rotation about a first pivot axis and a second pivot segment 132 for driven rotation about a second pivot axis wherein the first pivot axis is substantially perpendicular to the second pivot axis (Fig. 2, col. 11, lines 9-67 and col. 12, lines 1-27).

Claims 12-25 are rejected under 35 U.S.C. 102(b) as being anticipated by McCarthy et al. (US 5,846,245).

McCarthy et al. disclose an external bone fixation device including: first and second mounting members 350; a central member 380; first and second translation segments 340, 360 coupled to the central member for controlled translation along first and second translation axes that are substantially perpendicular to each other; and first and second pivot segments 384, 385 pivotably coupled to the central member (Figs. 4-6 and 15, col. 10, lines 31-67 and col. 11, lines 1-7).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anu Ramana whose telephone number is (571) 272-4718. The examiner can normally be reached Monday through Friday between 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached at (571) 272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application-Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000. Anuacha Ramara

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AR January 20, 2007